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FILED

NOV -9 2015

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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5 11041 Main Street Ste 511238
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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10

11 Ronald Cupp,
12 Elias Stavrinides;

13 Plaintiff,

14 vs.

15

16 KATIE STRALEY,
COUNTY OF SONOMA

17 Defendants.

) CASE NO: 3:15-cv-01565 JD
)
) PLAINTIFF'S MOTION TO EXTEND
TIME Fed.Civ.R 6(b)(B)
) FOR EXCUSABLE NEGLECT
) FOR TIME TO FILE NOTICE OF
APPEAL
)
) Date: December 16, 2015
) Time: 10:00 am
) Courtroom: 11, 19TH Floor
) Judge: Hon James Donato
)

19

20 Comes now, Plaintiffs timely to move this honorable court pursuant to Fed.Civ.R.
21 6(b)(B), Fed.Civ.R.7(b)¹, Plaintiff was to file their notice of appeal by September 10, 2015.

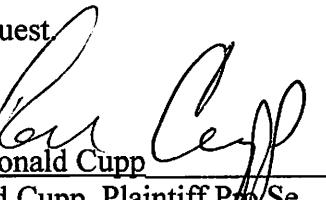
22 Plaintiffs are in Pro Se, and never received written or electronic notice of the Order by
23 Hon. James Donato on August 10, 2015, granting Motion to Dismiss. Plaintiffs just recently
24 discovered the Order by another party. Plaintiffs never received due process or had a opportunity
25 to file their notice of Appeal of the Order. Plaintiffs will timely do so now.

27

28 ¹ Rule 6. Computing and Extending Time; Time for Motion Papers
(b) Extending Time.

(B) on motion made after the time has expired if the party failed to act because of excusable neglect.

1 Attached hereto and incorporated herein by reference is a brief in support of this motion
2 to extend time, with a detailed prayer for specific relief request.

3
4 
5 /S/ Ronald Cupp
6 Ronald Cupp, Plaintiff Pro Se
7 150 Raley Town Center Ste 2512
8 Rohnert Park, California
9 707-318-9929

10 
11 Elias Stavrinides, Plaintiff Pro Se
12 11041 Main Street Ste 511238
13 Penngrove, California
14 707-483-7689

15 **PLAINTIFF'S MOTION TO EXTEND TIME**
16 **NOTICE OF HEARING**

17 Fed.Civ. R.7

18 Unless this court deems, otherwise this hearing date for said Motion will be set for
19 hearing on Wednesday, December 16, 2015 at 9 am and a response hereto will be set for (10)
20 days prior to hearing.

21 
22 Ronald Cupp, Plaintiff Pro Se

23 
24 Elias Stavrinides, Plaintiff Pro Se

25 **BRIEF IN SUPPORT OF PLAINTIFF'S MOTION TO EXTEND TIME**

26 Plaintiff timely brings this motion to extend time to file his Notice of Appeal as ordered
27 by the court.

28 This Motion is timely, not meant to delay nor cause any prejudice or harm to another
party.

1 ARGUMENT IN LAW
2

3 Fed.Civ.R. 6(b)(B)) states:
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5 Computing and Extending Time; Time for Motion Papers; (b) Extending Time; (B) on
6 motion made after the time has expired if the party failed to act because of excusable neglect.
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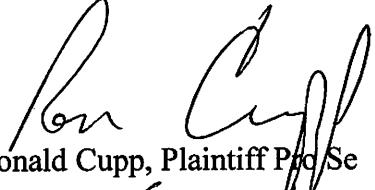
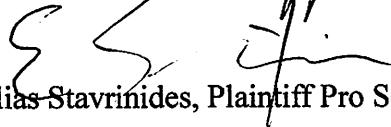
8 Plaintiffs just recently discovered by another party that an Order was issued in this case
9 subjudice on August 10, 2015, Plaintiffs were not notified in writing or by electronic means of
10 the Order and were not extended due process in order to file a notice of appeal.
11

12 PRAYER
13

14 Plaintiff respectfully moves this Honorable Court to grant Plaintiff's Motion to Extend time for
15 because of excusable neglect a "matter of law".
16

17 November 6, 2015

18 Respectfully Submitted;

19 
20 Ronald Cupp, Plaintiff Pro Se
21 
22 Elias Stavrinides, Plaintiff Pro Se
23
24
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27
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PROOF OF SERVICE

The undersigned declares as follows:

I am a resident of the County of Sonoma, State of California, and at the time of service I was over 18 years of age and not a party to this action. My address is 925 Lakeville Street #186, Petaluma, California

On the Below Date, I served the following document(s) described as:

MOTION TO EXTEND TIME

I served the documents on the persons below, as follows:

**Joshua A. Myers
Sonoma County Counsel's Office
575 Administration Drive, Room 105-A
Santa Rosa, CA 95403**

X (BY MAIL) I placed said document(s) in a sealed envelope, with postage thereon fully prepaid for first class mail, and placed such envelope in the United States mail at Sonoma County, California

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: November 6, 2015 at Santa Rosa, California.

Paul Southwick
(Type or Print Name of Declarant)

P Saenger
(Signature of Declarant)